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COMMISSION ON HUMAN RIGHTS

Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 27 August 1999 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission

On behalf of the delegations of Antigua and Barbuda, Bangladesh, Barbados, Brunei Darussalam, the People's Republic of China, Egypt, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Myanmar, Nigeria, the Philippines, Qatar, Saudi Arabia, Singapore, Syria, Tanzania, Trinidad and Tobago, Viet Nam and Zimbabwe, I request that the attached joint communication* be circulated as an official document under item 2 of the Agenda of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights.

(Signed): SEE CHAK MUN
Ambassador
Permanent Representative

* Reproduced as received, in the language of submission only.

Annex

**JOINT COMMUNICATION DATED 27 AUGUST 1999 FROM ANTIGUA AND BARBUDA, BANGLADESH, BARBADOS, BRUNEI DARUSSALAM, THE PEOPLE'S REPUBLIC OF CHINA, EGYPT, INDONESIA, IRAN, IRAQ, JAPAN, JORDAN, KUWAIT, LEBANON, MALAYSIA, MONGOLIA, MYANMAR, NIGERIA, THE PHILIPPINES, QATAR, SAUDI ARABIA, SINGAPORE, SYRIA, TANZANIA, TRINIDAD AND TOBAGO, VIETNAM AND ZIMBABWE ON THE QUESTION OF DEATH PENALTY UNDER ITEM 2 AT THE 51ST SESSION OF THE SUBCOMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

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1 We would like to place on record our concerns on the draft resolution E/CN.4/Sub.2/1999/L16 adopted by the Sub-Commission under agenda item 2, on "The death penalty, particularly in relation to juvenile offenders".

2 Operative paragraph 4 of the text calls upon all states which retain the death penalty and which do not apply a moratorium on executions to commute all death sentences on 31 December 1999 and to commit themselves to a moratorium on the imposition of the death penalty throughout the year 2000. Furthermore, operative paragraph 5 requests the Commission on Human Rights (CHR) to reaffirm its Resolution 1999/61 on the Question of the Death Penalty at the next CHR. Operative paragraph 6 further requests the Secretary-General to report to the next session of the Sub-Commission on the number of executions generally carried out.

3 We question the basis on which the Sub-Commission is prescribing such measures. In our view, the recommendations go beyond the mandate of the Sub-Commission. The Question of the Death Penalty is already being addressed in the CHR. The CHR has also made it clear that the Sub-Commission should not duplicate the work of the Commission. Hence, it is our view that the Sub-Commission should not address the Question of the Death Penalty where it is already under the purview of the CHR.

4 Nevertheless, we would like to reiterate what we have said at the 55th Session of the CHR

a) There is no international consensus that capital punishment should be abolished. Article 6, paragrah 2, of the International Covenant on Civil and Political Rights states that "sentence of death may be imposed only for the most serious crimes".

b) Capital punishment has often been characterised as a human rights issue in the context of the right of the convicted prisioner to life. However, this must be weighted against the rights of the victims and the right of the community to live in peace and security.

c) The question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of the people and the state of crime and criminal policy. It is inappropriate to make a universal decision on this question or to propose such action in the forum of an international organisation.

5 For these reasons, 50 delegations have disassociated themselves from the Commission on Human Rights Resolution 1999/61 (E/1999/113).

6 We request that this be circulated as an official document under Agenda Item 2 of the 51st Session of the Sub-Commission on the Promotion and Protection of Human Rights.

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